

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSHUA ADAM SCHULTE,

Plaintiff,

- v. -

UNITED STATES OF AMERICA,

Defendant.

**21-CV-4042 (JMF)**

**DECLARATION OF IAN  
WEINSTEIN IN SUPPORT OF  
MR. SCHULTE'S OPPOSITION  
TO DEFENDANT'S MOTION  
TO DISMISS THE AMENDED  
COMPLAINT**

I, IAN WEINSTEIN, hereby declare that the following is true, under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am admitted to the New York State Bar and to practice before this Court. I am a Supervising Attorney with Lincoln Square Legal Services, Inc., the not-for-profit through which Fordham University School of Law operates many of its law clinics. I am also a member of the faculty of the law school. I work with Professor Michael Martin, the Executive Director of Lincoln Square Legal Services, Inc. We represent Mr. Joshua Schulte for the limited purpose of responding to the Defendant's Motion to Dismiss. Prior to our representation, Mr. Schulte was litigating this matter pro se.
2. I am familiar with the record in this case and have reviewed the filings. I make this declaration in support of Mr. Schulte's Opposition to Defendant's Motion to Dismiss the Amended Complaint based upon information and belief except where the context indicates personal knowledge.

3. Mr. Schulte is currently a pre-trial detainee housed at the Metropolitan Detention Center (MDC) in Brooklyn, New York. He is under indictment for federal crimes and subject to Special Administrative Measures (SAMs) which severely restrict his contact with others.
4. All counsel visits are non-contact, and Mr. Schulte's correspondence is monitored. The attorney visit cubicle for Mr. Schulte's special unit is located on the eighth floor of the MDC. It is outfitted with a solid partition between the two sides of the space. The partition prevents me from passing him a piece of paper or receiving anything from him.
5. I have worked with Mr. Schulte since September 2022 on this and other civil matters. In my experience, our mail to him is often significantly delayed and sometimes mislaid entirely. I cannot expeditiously or reliably secure his signature on documents.
6. Annexed to this declaration is his unsigned declaration. *See* Exh. A. After discussing this matter with him on prior occasions, I met with him at the MDC on the morning of Friday, May 12, 2023. He reviewed each page of that exhibit as I held it up to the glass partition separating us. We discussed the document, and he affirmed to me that the statements in his declaration are true and correct and that he would sign the declaration, if he were permitted to by the authorities.
7. I will continue in my efforts to secure his signature on the declaration, including by mailing a copy to him and by monitoring his scheduled court appearances to find an opportunity to secure his signature at such an appearance.
8. Also annexed to this declaration is a true and correct copy of one of Mr. Schulte's original *pro se* complaints in this case. *See* Exh. B.
9. Also annexed to this declaration are true and correct copies of three exhibits originally filed in Mr. Schulte's criminal case. *See* Exhs. C–E.

I declare under penalty of perjury that the foregoing is true and correct.

Wherefore it is respectfully submitted that this Court should grant the relief sought and such other and further relief as this Court deems just and appropriate.

Dated: New York, New York  
May 17, 2023

/s/ Ian Weinstein  
Ian Weinstein